

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. William Kent Wissing on 02/18/2011.

The application has been amended as follows:

IN THE CLAIMS:

In claim 1, line 2 – delete “a polymer comprising monomers selected from the group consisting of vanillin monomers, o-vanillin monomers, and mixtures thereof” and replace with “a polymer comprising (i) monomers selected from the group consisting of vanillin monomers, o-vanillin monomers, and mixtures thereof and (ii) monomers selected from the group consisting of 3-aminotyrosine, dihydroxy acetone, aloin, emodin, alizarin, tyrosine, dihydroxyphenylalanine, 4,5-dihydroxynaphthalene-2-sulfonic acid, 3-nitrotyrosine, 3-dimethylamino phenol, p-aminobenzoic acid, and mixtures thereof”.

Cancel claim 2.

In claim 3, line 1 – delete “further”.

In claim 4, line 1 – delete “further”.

In claim 5, line 1 - delete "further".

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In claim 7, line 2 – delete “about 50 10 kd” and replace with “about 50 kd”.

Cancel claim 8.

In claim 9, line 2 – delete “about 50 10 kd” and replace with “about 50 kd”.

In claim 10, line 2 – delete “about 50 10 kd” and replace with “about 50 kd”.

Rejoinder

Claims 11-12, 17, 19 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 04/04/2007 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: the prior art does not reasonably suggest a polymer that combines the vanillin monomers with the secondary monomers as claimed by Applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Telephonic Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAKE M. VU whose telephone number is (571)272-8148. The examiner can normally be reached on Mon-Tue and Thu-Fri 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jake M. Vu/
Primary Examiner, Art Unit 1618